

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2013-311-E - ORDER NO. 2013-635  
SEPTEMBER 5, 2013

IN RE: Jesse Strauss, Complainant/Petitioner v.                     ) ORDER DISMISSING  
South Carolina Electric & Gas Company,                     ) COMPLAINT  
Defendant/Respondent                     )

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Motion of South Carolina Electric & Gas Company (“SCE&G” or “the Company”) to dismiss the Complaint of Jesse Strauss. For the reasons stated below, the Motion to Dismiss is granted.

On or about August 8, 2013, Jesse Strauss filed a Complaint with this Commission, which requests a refund of \$750 from SCE&G for electric services consumed at his secondary residence at 32 Twin Oaks Lane, Isle of Palms, South Carolina from June 2011, through July 17, 2013. Mr. Strauss alleges that his HVAC unit was not working properly. Mr. Strauss admits that this electricity was used due to his faulty duct work. However, he states that he should “not be held responsible for the wasted energy” due to his “improperly installed duct work,” and that the Company should be ordered to refund him approximately \$750 for the electric service it provided his residence, because he “paid for energy that he didn’t benefit from.”

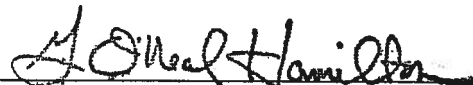
The Company states that, in its opinion, the responsibility for properly functioning appliances and equipment lies with the customer, not the Company. See Section V(A) of SCE&G’s General Terms and Conditions. Further, SCE&G notes that,

in its view, no claim of wrongdoing by that Company has been pleaded. The Company notes that there is no allegation that SCE&G caused or contributed in any way to the faulty HVAC unit.

We agree with SCE&G. The responsibility for the faulty HVAC unit lies directly with Mr. Strauss. The Company had no control over and no responsibility for the faulty duct work. Therefore, Mr. Strauss is responsible for any extra electricity consumed as a result of the operation of the faulty unit. SCE&G has operated in accordance with its Commission-approved General Terms and Conditions. Further, there have been no allegations of any wrongdoing by the Company in this matter. Mr. Strauss has not stated a claim upon which relief can be granted. Accordingly, on those grounds, the complaint is dismissed.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
G. O'Neal Hamilton, Chairman

ATTEST:

  
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Nikiya Hall, Vice Chairman

(SEAL)